IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.MC.No. 2772 of 2005()

(AGAINST CRIME NO.243/2005 OF THE KOTTAKKAL POLICE STATION)

PETITIONER:

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1. PALOLI USMAN, RESIDING AT
   PALOLI HOUSE, POST EDARIKKODE,
   MALAPPURAM DISTRICT.

2. P. AYISHUMMA, PARAMBIL HOUSE,
   POST EDARIKKODE, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT & STATE:

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1. THE SUB INSPECTOR OF POLICE,
   KOTTAKKAL POLICE STATION, KOTTAKKAL,
   MALAPPURAM DISTRICT.

2. THE STATE OF KERALA REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
SRI.JIJO PAUL

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.2772 OF 2005

Dated this the 10th day of January, 2007.

ORDER

The petitioners are accused in Crime No.243 of 2005 of Kottakkal Police Station registered under Sections 420, 406 and 120 B read with 34 I.P.C. That crime was registered on the basis of a private complaint filed by the additional 3rd respondent impleaded in this Crl.M.C. The short prayer of the petitioners is that proceedings initiated against them as Crime No.243 of 2005 may be quashed.

2. The additional 3rd respondent has entered appearance before this Court. He has been impleaded on the basis of the application filed by him. Additional 3rd respondent submits that the prosecution initiated by him against the petitioners need not be continued now, he already having approached the learned Metropolitan Magistrate, Andheri with complaint No.16/SW/05 prior to the lodging of the present complaint.

3. The learned counsel for the petitioners prays, the learned counsel for the 2nd respondent endorses that request and the learned Public Prosecutor raises no objection against the quashing of Crime No.243 of 2005 of Kottakkal Police Station.

Having considered all the relevant inputs, I am satisfied that the said request can safely be accepted. This Crl.M.C is, in these circumstances, allowed and Crime No.243 of 2005 of Kottakkal Police Station is quashed.

4. Hand over a copy of this order to the learned counsel for the additional 3rd respondent.

R.BASANT
JUDGE

rtr/